

# Petition 12-25

## TOWN OF ELSMERE

### APPEAL TO THE BOARD OF ADJUSTMENT

Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that a written application for appeal is filed within (20) twenty days after the day the decision, citation, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the Code: 1) provides the same or better protections than what the Code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the Code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the Code as written or permit the proposed alternative action.

Date This appeal was filed: July 11th., 2012

Tax Parcel Number: 1900400732

Date of the Original Action: June 16th., 2012

Subject Property Address: 226 Filbert Avenue  
Elsmere, DE 19805

Property Owner's Name: Michael Dinsmore

Property Owner's Address: 226 Filbert Avenue  
Wilmington, DE 19805

Phone Number: (302) 994-0495

Applicant's Name: Michael Dinsmore

Applicant's Address: 226 Filbert Avenue, Wilmington, DE 19805

Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.) I am appealing violation number V2-00172. The date of the violation was June 16th., 2012. My wife and I were on vacation from June 13th. to July 9th., and had made arrangements to have our grass cut on June 18th. I have attached a copy of our invoice from Martinez Landscaping. I trust that you will consider this appeal and void the amount due. Thank you.

Applicant's Signature: Michael Dinsmore

Date: July 11, 2012



# THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT


\*\*\*\*\*CITATION\*\*\*\*\*

11 Poplar Avenue – Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920



<b>RESPONSIBLE PARTY</b>  Michael & Carla Dinsmore 226 Filbert Ave Wilmington, DE 19805	<b>VIOLATION #</b>	V2-00172
	<b>OFFICER</b>	Daniel Reed
	<b>VIOLATION DATE</b>	06-16-2012
	<b>PROPERTY ADDRESS</b>	226 Filbert Ave Wilmington, DE 19805
	<b>ABATEMENT DATE</b>	6-25-2012

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of the civil citation is described below.

Specific Violation	Code Section	Due Date	Amount Due
All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches	IPMC 2000 302.4	07/16/2012	\$50.00
	<p align="center">*****CITATION INFORMATION*****</p> <p>In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below.</p> <p>You may also pay your fee in person at Town Hall, 11 Poplar Ave., Elsmere, DE 19805.</p> <p align="center"><b>ABATEMENT COST</b></p> <p>If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary in addition to the \$50.00 fine already assessed you will owe to the Town the costs of the abatement.</p> <p>Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.</p>		

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due Date". Additionally if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary you will be responsible for the payment of all abatement costs incurred by the Town. Failure to pay the "Amount Due" and any abatement costs assessed shall give rise to a lien on the property pursuant to Title 25, Chapter 29, of the Delaware Code. You must pay this civil penalty of \$50.00 by the "Due Date" of this citation, even if the violation has been corrected.

Please return this section with your payment.

DUE DATE	PARCEL NUMBER	VIOLATION NUMBER	AMOUNT DUE
07/16/2012	1900400732	V2-00172	\$50.00

Make Checks Payable To: The Town of Elsmere  
Mail Your Payment To: The Town of Elsmere  
Finance Department  
11 Poplar Avenue  
Elsmere, DE 19805

- Each 24-hour period that the condition giving rise to this citation continues will be subject to a separate citation and an additional civil penalty in the amount of \$50.00.
- You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation. MEANS OF APPEAL SHOWN ON THE BACK.



**TOWN OF ELSMERE**

11 POPLAR AVE  
ELSMERE, DE 19805  
ATTN: CRAIG HANNA  
TEL: (302)998-2215  
FAX: (302)998-9920

EXT: 104

**EXHIBIT**

tabbles

**12-25 B**

INVOICE NO.

I2-01880

INVOICE DATE: 06/18/12

DUE DATE: 07/18/12

CUSTOMER #: P-000226

DINSMORE MICHAEL & CARLA J  
226 FILBERT AVE  
WILMINGTON, DE 19805

## VIOLATION INFORMATION

VIOLATION ID: V2-00172

LOCATION: 226 FILBERT AV

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION 226 FILBERT AVE 2000 IPMC 302.4 HIGH GRASS/WEEDS 8"	50.0000	50.00
			TOTAL INVOICE	50.00
<div><b>NOTICE</b> Prior to paying this amount due you have the right to appeal this citation. You have a right to appeal the citation if within 20 days of the "Violation Date" you file a written application for such appeal with the Town of Elsmere's Board of Adjustment. The means of appeal are detailed on the back of the citation you received and may be obtained by contacting the Town of Elsmere Code Enforcement Officer at (302) 998-2215.</div>				

TOWN OF ELSMERE  
11 POPLAR AVE  
ELSMERE, DE 19805

DINSMORE MICHAEL & CARLA J  
226 FILBERT AVE  
WILMINGTON, DE 19805

Invoice Id: I2-01880

Customer Id: P-000226

Due Date: 07/18/12

Total Due: 50.00



EXHIBIT  
tabbles®  
12-25 C





\* Please note that this link provides direct access to your booking, so please only forward this email if you want the recipient to access your booking and the related services.

## Your Itinerary

British Airways booking reference: **SIDOWR**

### Passenger(s)

**MR MICHAEL DINSMORE**  
**MRS CARLA DINSMORE**

<b>Flight number</b>	BA0068
<b>From</b>	Philadelphia International (PA) Terminal A
<b>To</b>	Heathrow (London)
<b>Depart</b>	13 Jun 2012 21:55
<b>Arrive</b>	14 Jun 2012 10:05
<b>Cabin</b>	World Traveller
<b>Operated by</b>	British Airways
<b>Booking status</b>	Confirmed

<b>Flight number</b>	BA1482
<b>From</b>	Heathrow (London) Terminal 5
<b>To</b>	Glasgow
<b>Depart</b>	14 Jun 2012 12:20
<b>Arrive</b>	14 Jun 2012 13:40
<b>Cabin</b>	Domestic
<b>Operated by</b>	British Airways
<b>Booking status</b>	Confirmed

<b>Flight number</b>	BA1487
<b>From</b>	Glasgow Terminal M
<b>To</b>	Heathrow (London)
<b>Depart</b>	9 Jul 2012 14:25
<b>Arrive</b>	9 Jul 2012 15:45
<b>Cabin</b>	Domestic
<b>Operated by</b>	British Airways
<b>Booking status</b>	Confirmed

<b>Flight number</b>	BA0069
<b>From</b>	Heathrow (London) Terminal 5
<b>To</b>	Philadelphia International (PA)
<b>Depart</b>	9 Jul 2012 17:00
<b>Arrive</b>	9 Jul 2012 20:10
<b>Cabin</b>	World Traveller
<b>Operated by</b>	British Airways
<b>Booking status</b>	Confirmed

### Checked baggage

2 bags at 23kg (51lbs) per bag per passenger

In addition to their baggage allowance infants and children, up to age 11, can also take one fully collapsible pushchair (stroller) and one car seat.  
You may be charged for extra or overweight bags. There are restrictions on what you may pack and on the dimensions of your bags.

> British Airways baggage information

> Baggage Charges

Martinez Landscaping LLC

317 S. Red Lion Terrace  
Bear, DE 19701



# Invoice

Date	Invoice #
6/24/2012	399

Bill To
Mike & Carla Dinsmore 226 Filbert Ave Elsmere, DE 19805

P.O. No.	Terms	Project
	Due on receipt	

Quantity	Description	Rate	Amount
	grass cut wk 0f 6/4	20.00	20.00
	grass cut wk 0f 6/18	20.00	20.00
Thank you! Please write invoice # on your check		<b>Total</b>	<b>\$40.00</b>